

UNITED STATES DISTRICT COURT
for the
Eastern District of California

FILED

OCT 26 2023

UNITED STATES OF AMERICA,

v.

MICHAEL NERI

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Case No.

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 1:23-CR-00115 ADA-BAM
DAVID M. BARKER

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: United States District Court, 2500 Tulare Street, Fresno, California 93721
Place

on January 10, 2024, at 1:00 pm before Magistrate Judge Barbara A. McAuliffe
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance and Compliance Bond, if ordered.

DEFENDANT'S RELEASE IS DELAYED UNTIL 10:00 AM ON OCTOBER 30, 2023, WITH DEFENDANT RELEASED DIRECTLY TO AN AUTHORIZED REPRESENTATIVE OF JERICHO PROJECT INPATIENT TREATMENT PROGRAM FOR IMMEDIATE TRANSPORT TO THE PROGRAM

NERI, Michael

Doc. No. 1:23-CR-00115-ADA-BAM


ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☒ (6) The defendant is placed in the custody of:

Name of person or organization Vanessa Neri

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

SIGNED: 

CUSTODIAN

- ☒ (7) The defendant must:
- ☒ (a) report on a regular basis to the following agency:
Pretrial Services and comply with their rules and regulations;
 - ☒ (b) report in person to the Pretrial Services Agency on the first working day following your release from custody;
 - ☒ (c) upon successful completion of the Jericho Project's inpatient treatment program, you must reside with your third-party custodian at her residence, and you must not change your residence or absent yourself from this residence for more than 24 hours without prior approval of pretrial services officer;
 - ☒ (d) report any contact with law enforcement to your pretrial services officer within 24 hours;
 - ☒ (e) cooperate in the collection of a DNA sample;
 - ☒ (f) travel restricted to the Northern and Eastern Districts of California, unless otherwise approved in advance by pretrial services officer;
 - ☒ (g) participate in the substance abuse treatment program at the Jericho Project's inpatient facility, and comply with all the rules and regulations of the program, as directed by program staff and Pretrial Services; You must remain in the inpatient facility until released by the pretrial services officer;
 - ☒ (h) not associate or have any contact with any co-defendants in this federal matter unless in the presence of counsel;
 - ☒ (i) not associate or have any contact with any known gang members;
 - ☒ (j) not possess, have in your residence, or have access to a firearm/ammunition, destructive device, or other dangerous weapon; additionally, you must provide written proof of divestment of all firearms/ammunition, currently under your control;
 - ☒ (k) submit to drug and/or alcohol testing as approved by the pretrial services officer. You must pay all or part of the costs of the testing services based upon your ability to pay, as determined by the pretrial services officer;
 - ☒ (l) refrain from any use of alcohol;
 - ☒ (m) upon successful completion of the Jericho Project's inpatient program, you must participate in a program of medical or psychiatric treatment including treatment for drug or alcohol dependency, as approved by the pretrial services officer; you must pay all or part of the costs of the counseling services based upon your ability to pay, as determined by the pretrial services officer;
 - ☒ (n) not use or possess any narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; and you must notify Pretrial Services immediately of any prescribed medication(s). However, medical marijuana, prescribed and/or recommended, may not be used;
 - ☒ (o) not apply for or obtain a passport or any other traveling documents during the pendency of this case; and,

USMS SPECIAL INSTRUCTIONS:

October 30, 2023 at 10am

- ☒ (p) have your release on bond delayed until ~~October 27, 2023~~, at 9:00 a.m. at which time you will be released and transported by an authorized representative of the Jericho Project, from the Fresno County Jail directly to the Jericho Project's inpatient treatment program.



ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

Directions to the United States Marshal

(☒) The defendant is ORDERED released after processing.

Date: 10/26/23



Judicial Officer's Signature

Erica P. Grosjean, United States Magistrate Judge

Printed name and title